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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 11091/2023 & CM APPLs. 43052/2023, 12503/2024**

PRADEEP KUMAR PADHY

..... Petitioner

Through: Petitioner-in-person

versus

**NATIONAL BUILDING CONSTRUCTION CORPORATION LTD
& ORS.**

..... Respondents

Through: Mr. Ravi Krishan Chandna and Mr.
Malyaj Sehgal, Advocates for R-1.
Mr. R.K. Sinha, Advocate for R-3.
Mr. Nirvikar Verma, SPC with Mr.
O.P. Verma and Mr. Shantanu Verma,
Advocates for UoI.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

22.05.2024

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1. The Petitioner, a homebuyer, has approached this Court with the following prayers:-

“1. To hold all 3 O.P (R1, R2 & R3) absolutely liable for this man-made disaster and compensation as per law for my lost opportunities & sufferings.

2. Regular job to Pushpita, my daughter who lost the job along with reputation & marriage proposals too with it for no fault of his but of O.Ps, especially O.P-1 (R1) or exemplary punishment.

3 . To immediately give my past due rent that R1 gave all residents except me, differentiated. Subsequently 18% r.o.i am on it with enhanced rent till they give my



flat back/a solution is reached.

4 .R1 to pay back past Interest/EMI of my Home Loan with 18% r.o.i & R3 is to collect future EMI/Interest from R1 & STAY till then & pay fine. Pray to set an example to withhold the belief of people in the government institutions.”

2. Material on record discloses that the Petitioner purchased a flat from Respondent/NBCC in the year 2013. It is stated that the Petitioner paid 100% of the cost to Respondent/NBCC by December, 2015 and possession of the flat was promised to be given by December, 2017. Material on record discloses that after possession of the flat was given by the Respondent, cracks appeared in the buildings constructed by the Respondent/NBCC and the buildings have been held to be inhabitable as they were found to be structurally not viable.
3. A group of homebuyers including the Petitioner herein approached the National Consumer Disputes Redressal Commission (NCDRC) by filing Consumer Complaint No.1128/2017. Material on record discloses that *vide* Judgment dated 05.03.2024, NCDRC has partly allowed the applications and has directed the Respondent/NBCC to refund the entire amount deposited by the complainants along with interest @ 9% per annum from the date of respective deposited till the date of refund and pay each set of allottee a sum of Rs.10 lakhs as exemplary damage within two months.
4. The Petitioner herein, who is one of the complainants before the NCDRC, approached this Court by filing the instant writ petition, pending the said complaint before the NCDRC.
5. Undoubtedly, the Petitioner cannot be permitted to have two sets of



petitions claiming the same relief seeking compensation for the acts of Respondent/NBCC. However, this Court in Sanjay Raghunath Piplani & Anr. v. National Buildings Construction Corporation Delhi & Anr., W.P.(C) No. 824/2023, granted the relief as sought for by the Petitioner in the said writ petition, wherein a desperate homebuyer, especially, when he has sunk in all his life savings and had approached this Court claiming relief against the Respondent/NBCC so that he would be able to get his money back. Even though the Petitioner therein approached various forums for redressal of his grievances but once the writ petition was filed before this Court the Petitioner did not approach any other forum for the same relief. In that light, this Court granted the prayers as sought for by the Petitioner therein.

6. In the facts of this case, the Petitioner has got his relief from the NCDRC and in view of the fact that the relief as claimed in this writ petition has been granted by the NCDRC, the prayers as sought for by the Petitioner herein cannot be granted.

7. The prayers sought in this writ petition are to hold the Respondent liable for the man-made disaster and grant compensation, which has already been granted to the Petitioner by the NCDRC. The Petitioner also prays for a regular job to his daughter, who according to the Petitioner has lost her job along with reputation and marriage proposals, for which the Petitioner cannot be compensated by way of this writ petition. The Petitioner also prays for payment of past due rent along with 18% rate of interest, the also same cannot be granted by way of this writ petition in view of the Judgment dated 05.03.2024 passed by NCDRC and once the Petitioner has been granted Rs.10 lakhs exemplary costs by the NCDRC, this Court is not inclined to accede to the prayers as sought for in this writ petition.



8. With these observations, the petition is dismissed along with pending application(s), if any.

MAY 22, 2024

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SUBRAMONIUM PRASAD, J